



## PLANNING COMMISSION STAFF REPORT MAY 11, 2006

<b>Project:</b>	VETERINARY SERVICES ZONING TEXT AMENDMENT- (PLN2006-00223)
<b>Proposal:</b>	To consider a Zoning Text Amendment to modify the requirements for veterinary services' establishments.
<b>Recommendation:</b>	Recommend to City Council.
<b>Location:</b>	Citywide.
<b>People:</b>	City of Fremont, Applicant Joel Pullen, Staff Planner (510) 494-4436; jpullen@ci.fremont.ca.us
<b>Environmental Review:</b>	A Negative Declaration was prepared and circulated for this project.
<b>General Plan:</b>	Applicable to commercial and industrial land use designations.
<b>Zoning:</b>	Community Commercial (C-C), Thoroughfare Commercial (C-T), and Special Provisions applicable to veterinary establishments in commercial and industrial zoning districts

### **EXECUTIVE SUMMARY:**

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The City is proposing to amend the Zoning ordinance related to the Special Provisions section applicable to veterinary services (including animal hospitals) as well as those districts currently allowing for such use. The Zoning Text Amendment (See Exhibit "A") would revise FMC Sections 8-21101 and 8-21103.1 of the Community Commercial District standards, FMC Section 8-21301 and 8-21304 of the Thoroughfare Commercial District standards, and FMC Section 8-22132 (Animal Hospital/Veterinary Services) to clarify regulations (revise performance standards) for the operation of veterinary services/animal hospitals and to implement those changes uniformly through a Zoning Administrator Permit review process. This action is intended to clarify provisions whose conflicting nature were brought to light as a result of a recent application.

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## **BACKGROUND AND PREVIOUS ACTIONS:**

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The Fremont Municipal Code currently contains conflicting and confusing provisions related to Veterinary Services. Specifically, Veterinary Services (Animal Hospitals) are Conditionally Permitted in all districts due to the Special Provision contained in Fremont Municipal Code (FMC) 8-22131(d), but the Community Commercial (C-C) and Thoroughfare Commercial (C-T) Zoning districts list the use as Principally Permitted. Receipt of a recent application in the C-C district brought the discrepancy to light, and planning staff is pro-actively proposing to repair the error and clarify performance standards in the Special Provisions section of the code.

Currently, the Zoning Code is inconsistent in that it lists the veterinary service as requiring both a Zoning Administrator Permit and a Conditional Use Permit (most districts) or lists the veterinary service use as both permitted and conditionally permitted within the Community Commercial District. The proposed amendment provides for the application of uniform performance standards, but still allows for site-specific conditioning through the Zoning Administrator Permit process.

## **PROJECT DESCRIPTION:**

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The City is proposing to amend the Zoning ordinance related to the Special Provisions section applicable to veterinary services (including animal hospitals) as well as those districts currently allowing for such use. The Zoning Text Amendment (See Exhibit "A") would revise FMC Sections 8-21101 and 8-21103.1 of the Community Commercial District standards, FMC Section 8-21301 and 8-21304 of the Thoroughfare Commercial District standards, and FMC Section 8-22132 (Animal Hospital/Veterinary Services) to clarify regulations (revise performance standards) for the operation of veterinary services/animal hospitals and to implement those changes uniformly through a Zoning Administrator Permit review process.

Instead of being categorized as "animal hospitals," this use would be reclassified and cross-referenced to the term "veterinary services," both for layperson's ease of locating the section in the code and to increase consistency.

See the Zoning Analysis below for a more in-depth discussion of the modified review process for Veterinary Services.

## **PROJECT ANALYSIS:**

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### ***General Plan Conformance:***

The proposed changes would clarify the review level (as a Zoning Administrator Permit) for veterinary services uses in all General Plan land use designations. The proposed project is consistent with the General Plan because "Consistency with Development Requests and Actions" (p. 12-2) is important to development review. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

FUNDAMENTAL GOAL 8: A diversity of Residential, recreational, cultural, employment and shopping opportunities.

Analysis: Veterinary Services, through consistent review of Zoning Administrator Permits, provide good employment opportunities while providing a valuable service to residents and their animals.

LOCAL ECON. GOAL 3: A hierarchy of well-defined, vital commercial areas meeting the retail shopping, entertainment and service needs of Fremont residents

Analysis: Veterinary Services located in the several existing zoning districts contribute to service needs of Fremont residents.

### ***Zoning Regulations:***

As set forth in Section 8-22132(d) of the Fremont Municipal Code (FMC), Animal Hospitals are allowed in several districts subject to a Conditional Use Permit. However, all zoning districts in which they are allowed (except for the C-C and C-T, in which they are permitted uses) specify Zoning Administrator Permit Review.

The prevention of offensive noise and odor has previously been accomplished by a separation requirement limiting "establish[ment of a veterinary service] closer than one hundred feet from any residential district, restaurant, hotel or motel in any district, and there shall be demonstrated that adequate measures and controls will be taken to prevent offensive noise and odor. Depending on the configuration of lots and zoning districts where veterinary services may be established, the 100-foot requirement based on adjoining zoning districts is not an ideal measure in that structures used for care and keeping of animals may be various distances from adjacent structures given various lot configurations. In addition, the current code requires veterinary services to be "at or near the periphery of [a C-C] district." This has the effect of severely limiting locations for veterinary services, since C-C districts are most commonly bounded by residential, from which there is a 100-foot separation requirement. As modified on Exhibit "A," the Zoning Administrator is given discretion to "prevent offensive noise and odor" and "ensure...compatibility with both existing and future land uses."

The locational requirements are also substituted with the following practical requirements: design of the building to prevent noticeable odors at the property line, insulation and soundproofing necessity for interior-only boarding facilities, a security alarm system compliant with the Fremont Police Department's Verified Alarm Policy, locked cabinets for controlled substances (such as prescription drugs) or any other potentially hazardous materials, and the ability of the Zoning Administrator to impose additional conditions of approval as necessary.

FMC Section 8-23105 requires the Planning Commission to make findings of "general conformance with the General Plan" and "that the public necessity, convenience, and general welfare require the adoption of [a] proposed amendment when recommending a Zoning Text Amendment to the City Council. Accordingly, findings four and five are proposed within the Recommendations.

### ***Environmental Review:***

An Initial Study and Draft Negative Declaration have been prepared for this project. The environmental analysis identified less-than-significant impacts to air quality. A more detailed description of this less-

than-significant impact is provided within the Initial Study for the project, which is included as an enclosure.

## **PUBLIC NOTICE AND COMMENT:**

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Public hearing notification is applicable. Public Hearing Notice (display ad) was published in *The Argus* on April 27, 2006. In addition, a total of 159 courtesy notices were also mailed to owners and occupants of property within 300 feet of the most recent application.

## **ENCLOSURES:**

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### ***Exhibits:***

- Exhibit "A" Zoning Text Amendment
- Exhibit "B" Draft Negative Declaration

### ***Informational Items:***

1. Initial Study

## **RECOMMENDATION:**

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1. Hold public hearing.
2. Recommend the City Council find the initial study has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources.
3. Recommend the City Council approve Negative Declaration and find these actions reflect the independent judgment of the City of Fremont.
4. Recommend the City Council find the Zoning Text Amendment, as shown on Exhibit "A," is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Local Economy Chapters as enumerated within the staff report.
5. Recommend the City Council find that the public necessity, convenience and general welfare require the adoption of this Zoning Text Amendment for consistency of review of future applications for veterinary services.
6. Recommend Zoning Text Amendment PLN2006-00223 to the City Council in conformance with Exhibit "A" (Zoning Text Amendment).